

Notice of Allowability

Application N .

10/721,397

Examiner

Thuy Pardo

Applicant(s)

AUTREY ET AL.

Art Unit

2165

-- The MAILING DATE of this communication appears on the c ver sheet with the c rrespondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment and Terminal Disclaimer filed on September 13, 2004.
2. ☒ The allowed claim(s) is/are 1, 7, 8, 12, and 16, now renumbered 1-5.
3. ☒ The drawings filed on 25 November 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

THUY N. PARDO
PRIMARY EXAMINER



DETAILED ACTION

1. Applicant's Amendment and Terminal Disclaimer filed on September 13, 2004 in response to the Examiner's Office Action has been reviewed. Claims 2-6, 9-11, 13-15, and 17-20 have been canceled, and claims 1, 7, 8, 12, and 16 have been amended.

2. Claims 1, 7, 8, 12, and 16 are presented for examination.

Allowable Subject Matter

3. Claims 1, 7, 8, 12, and 16 are allowed over the prior art of record.

The following is an Examiner's Statement of Reasons for Allowance:

The prior art of record fails to teach or suggest individually or in combination the self archiving log structured volume constructs a volume index from any synch point by scanning backwards in the log and updating the index entry for each data block to the most recent position in the log, and designates the oldest active log segment as an inactive log segment when the working set of segments becomes full, compresses and archives this inactive segment to the backing storage, and then discards the contents of this inactive segment from the primary storage as set forth in independent claim 1.

Dependent claims 7, 8, 12, and 16 being further limiting to the independent claim 1, definite and enable by the Specification are also allowed.

The closest prior art, **Deshayes et al.** US Patent No. 6,047,294 teaches a segment of data may be backed up at a physical level from a primary storage device to a backup storage device

Art Unit: 2165

and a logical element within a segment of data, such as a data file, may be restored from the backup storage device to the primary storage device. The closest prior art fails to anticipate or render Applicant's limitations above obvious.

4. Any comments considered necessary by applicant must be submitted no later than the payment of the Issue Fee and, to avoid processing delays, should preferably accompany the Issue Fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thuy Pardo, whose telephone number is 571-272-4082. The examiner can normally be reached Monday through Thursday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dov Popovici, can be reached at 571-272-4083. The fax phone number for the organization where this application or proceeding is assigned as follows:

(703) 872-9306 (Official Communication)

and/or:

571-273-4082 (*Use this Fax#, only after approval by Examiner, for "INFORMAL" or "Draft" communication. Examiner may request that a formal/amendment be faxed directly to then on occasions*).

Art Unit: 2165

Any inquiry of a general nature of relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

6. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 308-9051, (for formal communications intended for entry)

Or:

(703) 308-5359, (for informal or draft communications, please label

"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington. VA., Sixth Floor (Receptionist).

February 01, 2005

A handwritten signature in black ink, appearing to be 'THUY N. PARDO', written in a cursive style.

**THUY N. PARDO
PRIMARY EXAMINER**